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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Englehardt et al.
Serial No. 07/954,772
Filed: September 30, 1992
Title: HYBRIDIZATION ASSAY
METHOD

Group Art Unit: 1807

Exam'r: Ardin Marschel, Ph.D.

575 Fifth Avenue, 18th Floor
New York, New York 10017
February 3, 1995

FILED BY EXPRESS MAIL

Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231 **Box DAC**

Attention: Office of Deputy Assistant
Commissioner for Patents
2121 Crystal Drive
Crystal Park 2 - Suite 913
Arlington, Virginia 22202


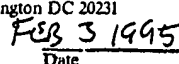
**PETITION TO REVIVE
AN UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. §1.137(b)**

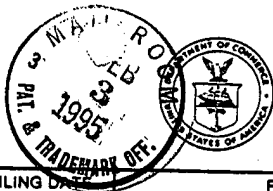
Dear Sirs:

Applicants submit this Petition to the Commissioner under the provisions of 37 C.F.R. §1.137(b) to revive the above-identified application in which taking action was unintentionally delayed.

The above-identified application became unintentionally abandoned after February 4, 1994, which was the date that a response to the November 4, 1993 Office Action was originally due. A Notice of Abandonment was subsequently mailed on June 9, 1994. A copy of the June 9, 1994 Notice of Abandonment is attached to this Petition as Exhibit A. Because February 4, 1995 falls on a Saturday, according to 37 C.F.R. §1.7, the statutory deadline for taking action to revive this application is the next succeeding day which is not a Saturday, Sunday or a Federal holiday, namely Monday, February 6, 1995. Accordingly, this Petition is being timely filed.

Enz-5 (D8)(C)

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.	TB842439675
Deposit Date	FEBRUARY 3, 1995
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail" Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231	
 Ronald C. Fedus Reg. No. 32,567	 Date FEB 3 1995



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address : COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/954,772	09/30/92	ENGELHARDT	D ENZ-5(D8)(C)

ENZO DIAGNOSTICS INC.
C/O ENZO BIOCHEM, INC.
575 FIFTH AVENUE (18TH FLOOR)
NEW YORK, NEW YORK 10017

18N1/0609

MARSCHELE EXAMINER	
ART UNIT	PAPER NUMBER
1807	11

DATE MAILED:

06/09/94

NOTICE OF ABANDONMENT

This application is abandoned in view of:

1. ☒ Applicant's failure to respond to the Office letter, mailed 11-5-93
 2. ☐ Applicant's letter of express abandonment which is in compliance with 37 C.F.R. 1.138.
 3. ☐ Applicant's failure to timely file the response received _____ within the period set in the Office letter.
 4. ☐ Applicant's failure to pay the required issue fee within the statutory period of 3 months from the mailing date of _____ of the Notice of Allowance.
 - ☐ The issue fee was received on _____
 - ☐ The issue fee has not been received in Allowed Files Branch as of _____
- In accordance with 35 U.S.C. 151, and under the provisions of 37 C.F.R. 1.316(b), applicant(s) may petition the Commissioner to accept the delayed payment of the issue fee if the delay in payment was unavoidable. The petition must be accompanied by the issue fee, unless it has been previously submitted, in the amount specified by 37 C.F.R. 1.17 (l), and a verified showing as to the causes of the delay.
- If applicant(s) never received the Notice of Allowance, a petition for a new Notice of Allowance and withdrawal of the holding of abandonment may be appropriate in view of *Delgar Inc. v. Schuyler*, 172 U.S.P.Q. 513.
5. ☐ Applicant's failure to timely correct the drawings and/or submit new or substitute formal drawings by _____ as required in the last Office action.
 - ☐ The corrected and/or substitute drawings were received on _____
 6. ☐ The reason(s) below.

RECEIVED
JUN 13 1994
RONALD C. FEDUS

MARGARET PARR
SUPERVISORY PATENT EXAMINER
GROUP 1800